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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,930	07/17/2003	Susann Marie Keohane	AUS920030357US1	2228
7590 Barry S. Newberger 1201 Main Street P.O. Box 50784 Dallas, TX 75250-0784	03/20/2007		EXAMINER HUSSAIN, TAUQIR	
			ART UNIT 2152	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/621,930	KEOHANE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tauqir Hussain	2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 July 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date 07/17/2003.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-20, are pending in this application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 1,8 and 15 recite, "if failed delivery message is received" in lines 2 and 4, 4 and 8, 2 and 7 respectively. Applicant has failed to point out his invention distinctly as claimed invention can never be applied in some situations where there will be no occurrence of failed delivery message using email and further it makes the claim indefinite that what if failed message does not occur.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20, are rejected under 35 U.S.C. 102(e) as being anticipated by Sommerer (Pub. No.: US 2002/0143879 A1), hereinafter, "Sommerer".
6. As to claims 1,8 and 15 e.g. method, computer program product and data processing system, Sommerer discloses, a method for alerting e-mail users comprising:
  - if a failed delivery message is received, setting an indicator associated with an address of an addressee corresponding to the failed delivery message ([0011, lines 1-5]);
    - displaying said address in conjunction with a perceptive cue in response to said indicator being set ([0011, lines 1-2], where indicative is perceptive cue); and
      - wherein, if said indicator is set, said indicator is operable for clearing in response to said address becoming accessible ([0011, lines 2-3], where flagging is setting an indicator and [0040, lines 5-10], where prompting to resend failed messages to updated addresses is addresses becoming accessible and inherently after a successful delivery flag will be turned off of associated failed email address).
7. As to claims 2,9 and 16, Sommerer discloses, wherein said indicator comprises a timestamp, the method further comprising clearing said indicator in response to an expiry of a preselected time interval, said expiry determined using said timestamp ([0045, lines 1-5], where flag means indicator and period of time is preselected time interval and determination for expiration is made, based on this time interval).

8. As to claims 3,10 and 17, Sommerer discloses, clearing said indicator in response to subsequently receiving an e-mail originated from the address of the addressee corresponding to the failed delivery message ([0040, lines 5-10], where current email address means a new message arrived from the same user after the old address was flagged and stored before in the database and inherently after a successful delivery to valid address flag will be turned off).

9. As to claims 4,11 and 18, Sommerer discloses, clearing said indicator in response to a successful delivery status notification for said address ([0040, lines 5-10], where current email address means a new message arrived from the same user after the old address was flagged and stored before in the database and inherently after a successful delivery to valid address flag will be turned off).

10. As to claims 5, 12 and 19, Sommerer discloses, caching an undelivered e-mail generating said failed delivery message ([0040, line 5], where resending the failed messages means caching the undelivered emails); and associating the cached e-mail and said address of an addressee corresponding to the failed delivery message ([0040, line 1-5], where new known address is substituted with the old address and resending the undelivered email means failed email is associated with the new address).

11. As to claims 6 and 13, Sommerer discloses, wherein said clearing said indicator comprises resetting said indicator to a predetermined null value (Fig.4, [0038, lines 1-7], where providing a user with an option to replacing a destination address is resetting the indicator to null or predetermined value).

12. As to claims 7, 14 and 20, Sommerer discloses, wherein said address is displayed using said perceptive cue in response to a user generating a subsequent e-mail having said address ([0040, lines 7-10], where prompting is displaying perceptive cue against the flagged email).

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Hamilton et al. (Pub. No.: Us 2003/0110223 A1), discloses, a reliable and customer-friendly delivery of documents.

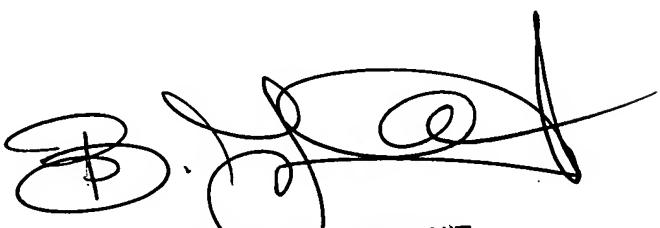
15. Hammond (Patent No.: US 6,854,007 B1), discloses, reliability of communicating with electronic messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-272-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER